

3. Rare and Protected Species

a. Federally-Protected Species

Plants and animals with a federal classification of Endangered (E), Threatened (T), Proposed Endangered (PE), and Proposed Threatened (PT) are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended.

As of January 2008, the US Fish and Wildlife Service lists two species under federal protection for Gates and Hertford Counties. These species are listed in Table 11.

TABLE 11
FEDERALLY-PROTECTED SPECIES LISTED
FOR GATES AND HERTFORD COUNTIES

Common Name	Scientific Name	Federal Status	County	Habitat	Biological Conclusion
American alligator	<i>Alligator mississippiensis</i>	Threatened (S/A)	Gates	Yes	N/A
Red-cockaded woodpecker	<i>Picoides borealis</i>	Endangered	Gates & Hertford	Yes	No Effect

The US Fish and Wildlife Service lists the American alligator as Threatened to protect those endangered animals whose skin has a similar appearance. The American alligator is not biologically endangered or threatened and is not subject to Section 7 consultation. Suitable habitat for the American alligator occurs within the project area.

Aerial surveys conducted in 2000 identified three red-cockaded woodpecker clusters (two active, one inactive) within one-half mile of the study area. All were near the US 13-158 and NC 137 intersection. According to the Natural Heritage Program database, a red-cockaded woodpecker was observed in the southeast quadrant of this intersection in 1995 and in the northwest quadrant in 2000.

Surveys of potential red-cockaded woodpecker nesting and foraging habitat within one-half mile of the project area were performed in May and August of 2007. No red-cockaded woodpeckers were observed or heard. During the surveys, it was discovered that much of the nesting habitat where the three clusters were found in the earlier survey had been either clear cut or thinned and allowed to regenerate a thick understory. A stand of old growth loblolly pine still remains in the southeast quadrant of the US 13-158 and NC 137 intersection; however, the understory is thick with invading hardwoods and its suitability as red-cockaded woodpecker nesting habitat has decreased. One relic nesting cavity was found in this stand. There is also a strip of older loblolly pines between SR 1200 and an agricultural field in the northeast quadrant of the intersection. One inactive nest cavity was found in this area, also.

Since no red-cockaded woodpeckers or active cavities were observed within one-half mile of the project area and nesting habitat within the project area has decreased or been